

ASSEMBLY BILL 319 (LRB -2938)

An Act to create 166.218 and 895.483 (4) of the statutes; relating to: regional structural collapse teams and granting rule-making authority.

2009

06-16.	A.	Introduced by JOINT LEGISLATIVE COUNCIL .	
06-16.	A.	Read first time and referred to committee on State Affairs and Homeland Security	266
07-02.	A.	Public hearing held.	
07-16.	A.	Executive action taken.	
07-16.	A.	Assembly amendment 1 offered by committee on State Affairs and Homeland Security (LRB a0565)	340
07-24.	A.	Report Assembly Amendment 1 adoption recommended by committee on State Affairs and Homeland Security, Ayes 7, Noes 0	341
07-24.	A.	Report passage as amended recommended by committee on State Affairs and Homeland Security, Ayes 7, Noes 0	341
07-24.	A.	Referred to committee on Rules	341
09-15.	A.	Placed on calendar 9-17-2009 by committee on Rules.	
09-17.	A.	Read a second time	390
09-17.	A.	Assembly amendment 1 adopted	390
09-17.	A.	Ordered to a third reading	390
09-17.	A.	Rules suspended	390
09-17.	A.	Read a third time and passed , Ayes 90, Noes 6	390
09-17.	A.	Ordered immediately messaged	391
09-18.	S.	Received from Assembly	313
09-21.	S.	Read first time and referred to committee on Senate Organization	314
09-21.	S.	Available for scheduling.	
09-22.	S.	Rules suspended to withdraw from committee on Senate Organization and take up.	
09-22.	S.	Read a second time.	
09-22.	S.	Ordered to a third reading.	
09-22.	S.	Rules suspended.	
09-22.	S.	Read a third time and concurred in .	
09-22.	S.	Ordered immediately messaged.	
09-22.	A.	Received from Senate concurred in.	

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr SubAmdt

09-2938/1

Amendments to above (if none, write "NONE"): AA1 - 20565/1

Corrections - show date (if none, write "NONE"): None

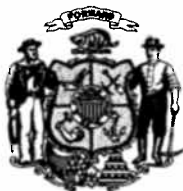
Topic Rel

9-23-09

Date

JR Miller

Enrolling Drafter



State of Wisconsin
2009 – 2010 LEGISLATURE

LRB-2938/1

RPN:kjf:ph

2009 ASSEMBLY BILL 319

June 16, 2009 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on State Affairs and Homeland Security.

- 1 AN ACT *to create* 166.218 and 895.483 (4) of the statutes; **relating to:** regional
2 structural collapse teams and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

~~JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Emergency Management and Continuity of Government. The bill puts in place statutes governing regional teams established to respond to structural collapse emergencies. The bill directs the Division of Emergency Management (division) to contract with local agencies to establish no more than four regional structural collapse teams. Team members must meet specified National Fire Protection Association standards. A team member who is acting under a contract is considered an employee of the state for purposes of worker's compensation benefits. Teams, team members, and the local agencies that contract with the division are immune from civil liability for acts or omissions related to carrying out contract responsibilities.~~

~~The bill specifies circumstances in which the division will reimburse a team for costs incurred in responding to a structural collapse emergency, as well as the obligation of a person responsible for a structural collapse to reimburse the division. The bill directs the division to promulgate rules establishing standards to be used to determine whether a team has: (1) made a good faith effort to identify a person responsible for a structural~~

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~~collapse emergency; and (2) determined the financial ability of a responsible person to reimburse the team for expenses incurred in responding to the emergency.~~

INS 1

SECTION 1. 166.218 of the statutes is created to read:

166.218 Structural collapse emergency response. (1) A regional structural collapse team shall assist in the emergency response to a structural collapse incident in a region of this state designated by the division. The division shall contract with local agencies, as defined in s. 166.22 (1) (c), to establish no more than 4 regional structural collapse teams. A member of a regional structural collapse team shall meet the highest standards for a structural collapse team under the National Fire Protection Association standards NFPA 1006 and 1670.

(2) The division shall reimburse a regional structural collapse team for costs incurred by the team in responding to an emergency involving a structural collapse incident if the team determines that a structural collapse emergency requiring a response existed as provided under the rules promulgated under sub. (5). Reimbursement under this subsection is limited to amounts collected under sub. (3).

Reimbursement under this subsection is available only if the regional structural collapse team has done one of the following:

(a) Made a good faith effort to identify the person responsible under sub. (3) and that person cannot be identified.

(b) Identified the person responsible under sub. (3) and received reimbursement from that person to the extent that the person is financially able.

(c) Identified the person responsible under sub. (3) and determined that the person does not have adequate money or other resources to reimburse the regional structural collapse team.

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1 (3) A person shall reimburse the division for costs incurred by a regional
2 structural collapse team in responding to an emergency if the team determines under
3 the rules promulgated under sub. (5) that an emergency requiring the team's
4 response existed and that one of the following conditions applies:

5 (a) The person possessed or controlled a structure that was involved in the
6 structural collapse.

7 (b) The person caused the structural collapse.

8 (4) A member of a regional structural collapse team who is acting under a
9 contract under sub. (1) is considered an employee of the state for purposes of worker's
10 compensation benefits.

11 (5) (a) The division shall promulgate rules establishing standards to be used
12 to determine all of the following:

13 1. If a regional structural collapse team has made a good faith effort to identify
14 a person responsible for the emergency involving a structural collapse.

15 2. If a regional structural collapse team has determined that a person
16 responsible for the emergency involving structural collapse is financially able or has
17 the money or resources necessary to reimburse the structural collapse team for the
18 expenses incurred by that team in responding to the emergency.

19 (b) The division shall promulgate rules that establish the procedures that a
20 regional structural collapse team shall follow to determine if a structural collapse
21 emergency requiring the team's response existed.

22 **SECTION 2.** 895.483 (4) of the statutes is created to read:

23 895.483 (4) A regional structural collapse team, a member of such a team, and
24 a local agency, as defined in s. 166.22 (1) (c), that contracts with the division of
25 emergency management in the department of military affairs for the provision of a

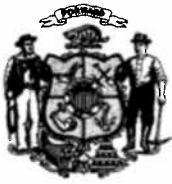
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SECTION 2

1 regional structural collapse team, are immune from civil liability for acts or
2 omissions related to carrying out responsibilities under a contract under s. 166.218
3 (1).

4 (END)



**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 319**

July 16, 2009 – Offered by COMMITTEE ON STATE AFFAIRS AND HOMELAND SECURITY.

1 At the locations indicated, amend the bill as follows:

INS 1

2 **1.** Page 2, line 4: after “division.” insert “Whenever a regional structural
3 collapse team assists in an emergency response under this subsection, it shall
4 determine under the rules promulgated under sub. (5) whether an emergency
5 requiring the team’s response existed. If the regional structural collapse team
6 determines that such an emergency existed, it shall make a good faith effort to
7 identify the person who is required to reimburse the division under sub. (3) and shall
8 provide that information to the division.”.

9 **2.** Page 2, line 14: delete lines 14 to 22 and substitute “Reimbursement under
10 this subsection is available only if the regional structure collapse team has identified
11 the person who is required to reimburse the division under sub. (3) and provided that
12 information to the division.”.

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3. Page 3, line 12: delete lines 12 to 18 and substitute "to determine if a regional structural response team has made a good faith effort to identify the person who is required to reimburse the division under sub. (3)".

(END)